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Counsel for James Nelsen

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,) No. CR 09-01168 RMW
Plaintiff,) STIPULATION RE CONTINUANCE
v.) OF STATUS DATE; []
JAMES NELSEN,) ORDER
Defendant.)

It is hereby stipulated between the defendant James Nelsen, by and through his attorney of record VICKI H. YOUNG, and the government, through Assistant United States Attorney Jeffrey B. Schenk, that the status date of December 3, 2012, at 9:00 a.m. be continued to Hgdtwct { '6, 2013 at 9:00 a.m. The reason for this continuance is that the defense counsel is still trying to obtain the necessary medical records from FMC Butner to be reviewed by the defense psychiatrist. James Nelsen has already been found incompetent by both the defense psychiatrist and the medical staff at Butner. The current issue is whether this court will order that James Nelsen may be forcibly medicated in an effort to restore his competency.

Under Title 18 U.S. C. §3161(h)(1)(A), any period of delay resulting from any proceeding to determine the mental competency or physical capacity of the defendant is excluded from the speedy

**STIPULATION RE CONTINUANCE;
[] ORDER**

1 trial calculation. Therefore, the time period from December 3, 2012 through January 28, 2013,
2 should be excluded.

3 It is so stipulated.

4 Dated: November 29, 2012

Respectfully submitted,

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7 /s/ Vicki H. Young
VICKI H. YOUNG, ESQ.
8 Attorney for James Nelsen

9 Dated:

MELINDA HAAG
10 UNITED STATES ATTORNEY

11 /s/ Jeffrey B. Schenk
12 JEFFREY B. SCHENK
13 Assistant United States Attorney

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STIPULATION RE CONTINUANCE;
[] ORDER

1 **~~PROPOSED ORDER~~**

2 GOOD CAUSE BEING SHOWN, the status date appearance set for December 3, 2012, is
3 continued to Hgdtwct{ "6, 2015. This Court finds that the period from December 3, 2012, through
4 and including Hgdtwct{ "6, 2013 is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h).
5 The basis for such exclusion is that any delay resulting from any proceeding to determine the mental
6 competency or physical capacity of the defendant is excluded from the Speedy Trial Calculation. 18
7 U.S.C. § 3161(h)(1)(A).

8 DATED: FFDEFG

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RONALD M. WHYTE

10 SENIOR UNITED STATES DISTRICT JUDGE

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STIPULATION RE CONTINUANCE
[] ORDER